

In re Jennings
Ser. No. 10/065,851
Filed November 26, 2002
Page 14

Remarks

This is in response to the Official Action mailed August 1, 2005. Applicant notes with appreciation the courtesy and professionalism of the Examiner during the recent Office Interview. As set forth in the Interview Summary, the amendments to Claim 1 define over the prior art as applied to date.

In the Official Action, Claim 1 was rejected as anticipated by U.S. Patent No. 6,086,826 issued to named inventor Thomas. by way of background, the Thomas '826 patent is commonly owned by CEM Corporation with the pending application.

Although the Thomas '826 patent includes some useful features in common with the pending application, the movement of the Thomas vessel against the Thomas transducer was in the nature of a piston rather than a flexible septum. Accordingly, Claim 1 has been amended to specifically recite the septum and the flexible cap holds the septum on the perimeter of the mouth of the vessel in an independent gas tight relationship.

Claim 1 has also been amended to recite that the clamp is adjustable. As noted in the specification and recited in the claims, this provides a means for both measuring and controlling pressure over a range of potential reaction conditions. Furthermore, the relationship of the septum, the flexible cap, and the vessel, provide a structure for gas-tight relationship; i.e., those in which a particular gas should or must be maintained specifically within the reaction vessel or which the reaction in the reaction vessel should specifically avoid.

Independent claims 14, 22 and 31 have all been amended to recite aspects of this adjustable relationship between and among the vessel, the septum and the transducer. Independent Claim 45 as filed already recited the flexible septum and separate cap. Claim 45 has been amended in a manner analogous to Claim 1, however, to recite that the cap fixes the perimeter of the septum to the perimeter of the vessel's mouth. Applicant accordingly submits that these recitations define over the anticipation rejection based on Thomas.

In re Jennings
Ser. No. 10/065,851
Filed November 26, 2002
Page 15

Claim 7 as filed was objected to, and has now been amended to incorporate the recitations of Claim 1 and Claim 6. Based upon the Examiner's comments in the Official Action, Claim 7 should now be in condition for immediate allowance.

Certain of the claims were rejected under § 103 based on the combination of Thomas '826 and the Zischka publication. As covered at the interview, however, Zischka fails to provide any opportunity for measuring the pressure in a defined single vessel. Instead, Zischka describes a system in which several vessels and a turntable are combined with a hydraulic system and a single transducer that is common to all of the vessels. Stated differently, the transducer measures the pressure in the hydraulic system.

As the several vessels exert piston-like pressure against the hydraulic system, the transducer records the pressure exerted by the vessel with the highest pressure. Stated differently, Zischka's device can measure and confirm the highest pressure in some vessel in his system, but cannot identify which particular vessel is exerting such greatest pressure. Thus, although Zischka provides an overall method for controlling multiple reactions to avoid overpressure somewhere, he fails to disclose or suggest any method of measuring or controlling pressure in a single vessel.

Objections to the Drawings

In order to clarify and simplify the issues under consideration, claims 5 and 46 have been canceled. Applicant submits that this addresses the objection under 37 CFR 1.83(a).

With respect to objection under 37 CFR 1.84(p)(5), Figure 6 has been corrected to add reference numeral 13 (the mouth of the vessel, Paragraph 0024). One (1) corrected drawing sheet is submitted herewith to correct this omission.

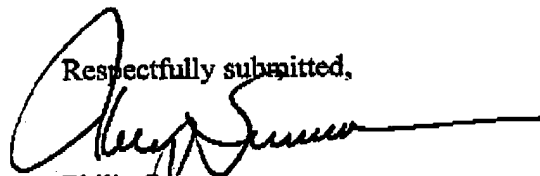
In re Jennings
Ser. No. 10/065,851
Filed November 26, 2002
Page 16

Objections to the Specification

The note or heading between Paragraphs 0039 and 0040 was apparently submitted or generated during the electronic filing process. If initiated unknowingly by applicant, it was unintended. It has accordingly been canceled as set forth in the amendment portion of this response.

Applicant submits that all of the objections and rejections raised in the Office Action have been properly addressed and that the claims are in condition for immediate allowance.

Respectfully submitted,




Philip Summa
Reg. No. 31,573

021176
Summa, Allan & Additon, P.A.
11610 N. Community House Road
Suite 200
Ballantyne Corporate Park
Charlotte, North Carolina 28277-2162
Telephone: 704-945-6700
Facsimile: 704-945-6735
SAFIRM DOCS\1700\125\Response_1105.doc

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, at centralized facsimile number 571-273-8300 on November 2, 2005.


Philip Summa